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JUN 6 2001

**FCC MAIL ROOM**

Commission's Secretary  
Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Ms. Roman Salas,

Thank you for your assistance in distributing the enclosed documents concerning Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System. If you have any questions about this mailing, please call me.



Steve Mace  
Media Liaison  
Dallas/Fort Worth Amber Plan

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List A B C D E

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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**JUN 6 2001**

**FCC MAIL ROOM**

In the Matter of )  
 )  
Amendment of Part 11 of the Commission's Rules ) EB Docket No. 01-66  
Regarding the Emergency Alert System ) RM-9156 \_\_\_\_\_  
 ) RM-9215

To: The Commission.

**COMMENTS OF ARMS**

Dallas/Fort Worth Area Radio Managers (hereinafter ARMS) hereby comments to the Commission's notice of proposed rulemaking: *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*. Specifically, ARMS supports the addition of an event code to the Emergency Alert System (EAS) to provide initial emergency notification and information pertaining to the abduction of a child. However, ARMS believes that the addition of an "Abducted Child Statement", vice the proposed "Missing Child Statement", would better serve the public and ensure the integrity of the EAS. In support of its position, ARMS shows the following:

**ARMS Is An Interested Party**

The Amber Plan originated in Dallas/Fort Worth. The plan is named in memory of nine-year-old Amber Hagerman. In 1996, Amber was abducted while playing near her Arlington, Texas home. She was found murdered a few days later following an extensive search.

In response to community concern, ARMS, with the direct assistance of law enforcement, created the Amber Plan to provide listeners across North Texas with timely information about area child

abductions. Today, 45 police departments in North Texas actively participate in the program, as do 32 Dallas/Fort radio stations, and eight Dallas/Fort Worth TV stations. Direct TV station involvement in the Plan began in May 1999.

Three area police departments were key entities in the formation of the Plan: the Arlington Police Department; the Dallas Police Department; and the Fort Worth Police Department. Early in the process, the three chiefs of those departments announced full support for the Plan's implementation. Two area radio stations, WBAP and KRLD, serve special roles in the Plan's activation process. Both news-formatted stations have dedicated fax lines that are monitored 24 hours a day, seven days a week. Once a law enforcement agency decides to activate the Plan, based on very specific criteria, details of the abduction (description of the abducted child, description of the suspect(s), suspect vehicle, etc.) are faxed to both stations. Both outlets then quickly verify the information with the activating law enforcement agency. Then, WBAP as the "primary" EAS station for the Dallas/Fort Worth market, simultaneously relays the abduction bulletin to all participating radio and TV stations. Congressman Martin Frost was also an early supporter of the program, and he helped garner interest in the Plan through the House Democratic Caucus and the Missing & Exploited Children's Caucus. Additionally, Congress passed Frost's "*Amber Hagerman Child Protection Act*." The legislation contains a "two strike" life sentence for child sex offenders, imposes the death penalty on child murderers who cross state lines, and increases federal jurisdiction over sex crimes against children.

#### The Emergency Alert System Is Vital To The Success Of The Amber Plan

As originally implemented, once the law enforcement agency where the abduction occurred decided to activate the Plan, details of the case were relayed to participating radio stations via fax. This notification process was time consuming and unreliable. As a result, precious time was lost in

getting details to participating stations and the public. Moreover, since activation of the Plan could occur at any time of the day or night, and since music-formatted radio stations do not routinely monitor fax machine content during overnight and weekend periods, fax distribution was not a reliable way to pass along time-critical information. With these shortcomings in mind, several months into operation of the Dallas/Fort Worth Amber Plan, ARMS switched to EAS as the method of delivery for Amber Plan activations.

By using EAS, case information is received by all participating radio and TV stations in a matter of minutes, instead of hours. Additionally, participating stations are able to broadcast case information to listeners and viewers more quickly. It is important to emphasize that EAS is used for first time notification only. Once participating stations have received the activation bulletin, each station is responsible for any additional rebroadcast of case details. ARMS requires all participating stations to rebroadcast case details at least twice an hour for the first two hours after the initial EAS activation. After the first two hours, area news outlets have often advanced the flow of information about the abduction to a level beyond the need for additional bulletins.

Since the first activation of the Dallas/Fort Worth Plan in July 1997, law enforcement agencies in North Texas have activated the Plan 40 times. Area police have credited use of the Plan and EAS distribution with assisting in the safe return of seven area children. With each success, due in large part to the use of EAS, the Dallas/Fort Worth Plan has received substantial media coverage. The D/FW Plan has been featured nationally on NBC and CBS news, NPR, *USA Today*, *The Christian Science Monitor* and *Reader's Digest*, among others. This extensive and continuing media coverage has generated enormous interest in the Plan, and it has fueled the development of similar Plans in communities across the country.

### The Significance Of An “Abducted Child Statement”

ARMS strongly urges the FCC to add a “Abducted Child Statement” code to the current EAS code list. Presently, when the D/FW Plan is activated, board operators and other station personnel are alerted to the situation with a “Civil Emergency” code. This same designation shows up on EAS receivers for more common emergencies, including NOAA originated severe weather watches and warnings. The Proposed Amendment to Part 11 of the Commission’s Rules currently includes the phrase “Missing Child Statement.” While such language would be an improvement over the “Civil Emergency” code, “Abducted Child Statement” would be the most accurate description of the event and it would likely generate the quickest response by radio and TV station personnel. As referenced earlier, the D/FW Plan uses very specific criteria for activation. In deciding to use the Plan, police are guided by these considerations:

1. The child should be 15 years of age or younger, or with a proven mental or physical disability: and
2. Police must believe the child is in danger of serious bodily harm or death.

Participating law enforcement agencies are urged not to activate the Plan for runaways. And, while each case must be judged individually, most child custody situations do not qualify. In adopting such specific language, the D/FW Plan is striving to limit the number of activations, fearing that overuse will weaken the Plan’s effectiveness, and support by broadcasters and the public. ARMS believes an “Abducted Child Statement” code would further reinforce the importance of following the criteria for activation.

### The Amber Plan Is A Cooperative Effort In Saving Lives

ARMS is gratified that 22 emergency-alert programs have been established nationally on the local, state and regional levels as a direct result of the D/FW Plan. We believe that growth is due to four reasons: 1.) At least 15 children have been returned to their homes as a result of the Plan's use; 2.) The Plan is easy to establish in communities of any size; 3.) The Plan is cost-effective, requiring little financial support; and 4.) The Plan is a voluntary effort between law enforcement and broadcasters. ARMS believes our local Plan has strengthened the relationship between the police and the media by highlighting the unique responsibilities each shoulders when a child is reported missing or abducted. Additionally, the local Plan has empowered residents by allowing them to directly participate in the recovery effort. The local Plan has proven in case after case, the value of neighborhood involvement, and the community's willingness to assist police.

### A Life Is Saved

In March 1999, nine-year-old Fleisha Moore was abducted from her Southeast Dallas neighborhood. Fleisha was walking home from school with a friend when a man in his 30's approached the girls, and started a conversation with them about some kittens. Moments later, the man grabbed Fleisha and threw her headfirst into the passenger side of his pick-up truck. Nearly home when the abduction occurred, Fleisha's friend ran to her house and told family members about the incident.

A short time later the police were called. After initial on-scene investigation, the Dallas Police Department activated the Amber Plan. Almost six hours after Fleisha was abducted, she was found walking along a rural highway about 60 miles south of where she had been originally taken. Why did the suspect release Fleisha? Dallas Police Department spokesman Lt. Bill Walsh told *The Dallas Morning News*, "We think the suspect was listening to the radio and threw her out of the car."

**(See Exhibit A)**

### Conclusion

ARMS respectfully requests that the Commission take into consideration the comments of (ARMS) and the important role the Amber Plan plays throughout our country in saving the lives of children.

For the foregoing reasons, ARMS respectfully requests that the Commission rules be amended to include a "Child Abduction Statement" event code to the Emergency Alert System.

Respectfully submitted,

(ARMS)

By:

  
Steve Mace – ARMS Media Liaison

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4809 Cole Avenue, Suite 330  
Dallas, Texas 75205  
214-520-7550

Dated: June 4, 2001

# **Exhibit A:**



3/26/99

# Missing girl, 9, is found safe 60 miles away

She had last been seen returning from school in southeast Dallas

By Rick Klein

Staff Writer of The Dallas Morning News

A 9-year-old girl who police believe was kidnapped from a far southeast Dallas neighborhood Thursday afternoon was found almost six hours later along a rural stretch of highway 60 miles away, police said.

Fleisha Moore was walking alone at 9:15 p.m. on Interstate 45 near Rice, Texas, in Navarro County and told sheriff's deputies that she was dropped off by a man in a pickup. She gave them no other information.

Authorities do not know whether she was injured, but police said she showed no outward signs of injury.

"She says that she is OK," said Sgt. Jim Chandler, a police spokesman.

Dallas police were on their way late Thursday evening to Navarro County to pick her up.

Sgt. Chandler said she probably would be taken to a hospital before being questioned.

She was reported missing shortly after 3:30 p.m. when another 9-year-old girl told her family that a man in a maroon pickup took Fleisha. The witness gave police a detailed description of the truck and



Fleisha Moore

# Child, 9, is found walking highway 60 miles from home

Continued from Page 37A.

man.

Police activated the Amber Plan, an alert for missing children, and canvassed the neighborhood searching homes of registered sex offenders.

Della Moore, the girl's mother, was sobbing as she talked with youth investigators Thursday afternoon.

"I'm not doing good at all," said Ms. Moore, who could not be reached after her daughter was found.

The witness described the man who took Fleisha as white, in his 30s, about 6 feet tall and about 200 pounds. She said that he was smoking outside a pickup in the parking lot of the Solid Rock New Testament Fellowship when he started a conversation with them about kittens.

She told police the man had brown hair, a moustache and a small scar on his left cheek.

A few hours after the report, police found a vehicle that matched the description given by the girl. The pickup had not been operational for several days, Sgt. Chandler said.

"It may end up not being related at all," but the fact that the girl described a truck that she may have been familiar with cast suspicion on parts of her account, he said.

But police are assuming the girl was telling the truth, he said.

The witness told police Fleisha was taken by the man in the 1600 block of Sunview Drive as they walked home from Kleberg Elementary School.

She told police that when the man started talking to them, she walked ahead but Fleisha stopped and talked.

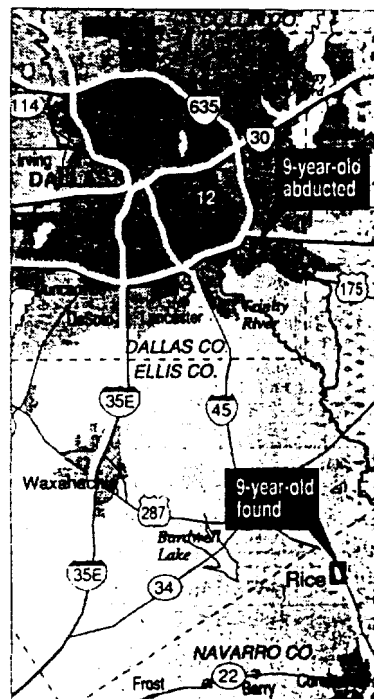
The girl told police she said: "Fleisha, come on. We are not supposed to talk to strangers."

Moments later, the man grabbed Fleisha, the girl said.

Police said the truck was a full-size pickup with tinted windows, chrome wheels and the word "Chevy" engraved on the tailgate and outlined in black.

"They were almost home," John Fosdick, a family friend, said Thursday afternoon. "The man grabbed Fleisha and threw her headfirst into the passenger side of the truck."

Fleisha is a second-grader and had recently moved in with the Fosdick family on Sunview Drive, family friends said. Ms. Moore had asked the



The Dallas Morning News

family to take care of her daughter because she had arranged to turn herself in to police on Friday, police said. She had violated probation on a drug charge, officials said.

Fleisha was usually picked up by someone at school, family friends said, but walked home Thursday because a ride could not be arranged.

Two hours after, Fleisha was reported missing, the Amber Plan was activated.

Before getting the call from Navarro County sheriff's deputies, tactical officers searched the rural, wooded areas near the home where she was living, police said. Sgt. Chandler said that the area has the highest concentration of sex offenders in the city.

There are sex offenders living in virtually every Dallas ZIP code, according to police records. The neighborhood where Fleisha lives has a high number per capita.

For example, in Fleisha's ZIP code, 75253, there are 49 offenders among 10,500 residents, or one per about 214 residents. But in 75228, there are 104 offenders among a population of 55,000, or one per about 529 residents.

Staff writers Kendall Anderson and Jayne Suhler contributed to this report.

3/27/94

Fleisha Moore... is expected to meet soon with counselors and detectives.



Courtesy photo

#### TIPS FOR KEEPING CHILDREN SAFE

- Do not assume that they are safe from strangers because they are close to home.
- Teach children not to go up to vehicles. If someone offers a ride or asks for directions, tell your child to turn around and run to a safe place and tell someone.
- Warn children that strangers may try to lure them with toys or candy or ask for help in finding a lost puppy or kitten.
- Call police immediately if your child is unaccounted for and is not with a trusted family member, friend or school official.

SOURCES: "Fact Sheet on Missing Children and Investigative Case Management for Missing Children Homicides," U.S. Department of Justice, May 1990.

The Dallas Morning News

# Amber Plan saved girl, 9, police say

## New alert issued for 6-year-old reported missing in Saginaw

By Kendall Anderson

Staff Writer of The Dallas Morning News

A man who abducted a 9-year-old girl from her southeast Dallas neighborhood may have dropped her in Navarro County 60 miles away after hearing radio reports that police were searching for the girl, officials said Friday.

Fleisha Moore was returned to her mother by Dallas police early Friday. Police said she had been assaulted. She spent Friday at Children's Medical Center with her mother. Police would not discuss details of the assault.

Dallas police say the man threw the girl into his truck about 3:30 p.m. Thursday. He released her on Interstate 45 more than five hours later,

■ Incident called typical.

38A

police said, probably after he heard radio broadcasts of the Amber Plan. The plan involves missing-child alerts broadcast by radio stations in cases of suspected child abductions.

"We think he was listening to the radio and threw her out of the car," said Dallas Police Lt. Bill Walsh, who oversees the investigations unit of the youth and family crimes division.

Less than 24 hours after the Amber Plan was activated for Fleisha, Saginaw police activated an Amber alert of their own in a search for a 6-year-old girl they believe was abducted from in front of her. Please see AMBER on Page 38A.

# Amber Plan credited in girl's release

Continued from Page 31A.  
grandmother's home.

Police said Opal Jennings was playing with a 4-year-old and a 2-year-old neighbor in front of her grandmother's house in the 200 block of North Hampshire Street when she was kidnapped about 5:45 p.m., said Lt. Nancy Wright, a Saginaw police spokeswoman.



Opal Jennings

Teresa Sanderford, Opal's aunt, said the family explained the Amber Plan to Opal on Thursday after the alert was issued for Fleisha.

"We talked to her about it just yesterday," she said. "She's just 6 years old."

Opal had been living with her grandmother since September as part of an agreement with her mother, Ms. Sanderford said.

Police said they had not ruled out the possibility that Opal was abducted by a family member.

"We still haven't been able to totally eliminate the family as suspects. We just don't know that," Lt. Wright said. Police and family members had not located Opal's parents, who are divorced, by late Friday.

Police said they had no reason to believe that Opal's abduction was related to Fleisha's.

On Thursday, Dallas police activated the Amber Plan at 5:30 p.m. in the search for Fleisha. More than 100 officers, detectives, sheriff's deputies and FBI officials helped in the search, combing the rural, wooded areas between Interstate 20 and State Highway 175, just south of Balch Springs.

Investigators continued Friday to look for a white man, about 35, with short, straight brown hair, freckles and a scar on his right cheek. A witness told police the man was about 6 feet and 175 pounds and wore a yellow shirt, jeans and black boots.

"His vehicle was described as a new maroon Chevrolet pickup truck with tinted windows and Chevrolet logos on the front and tailgate. The truck carried a yellow air compressor in its bed. Police ask that anyone with information call 214-670-4982.

Saginaw police were looking for a blue vehicle with a tan top that Opal's neighbor said he saw drive by five or six times Friday afternoon, Lt. Wright said. Police believe it was the abductor's vehicle, but the two children who were the only witnesses to the abduction could provide only a fuzzy description of the man and his car.

The children told police that a white male stopped his car in front of the home and grabbed Opal, Lt. Wright said. He was described as having brown hair, possibly in a ponytail, and wearing black pants and black shoes.

"She said that she screamed, he hit her and he placed her in the passenger seat," she said. "We don't know where they went."

Opal is about 4 feet tall and weighs 60 pounds. She has blue eyes, and her brown hair was tied in pigtails, police said. She was wearing purple shorts; a white shirt with purple stripes and a floral design; and Barbie shoes.

She is in kindergarten at Saginaw Elementary, her aunt said.

Dallas police said they hope to create a composite sketch from the accounts provided by Fleisha and a friend who was with her when she was forced into the truck.

Fleisha had not talked extensively with police Friday. She is expected to meet with counselors and detectives in the next few days.

"Timing is important, but you also want to make sure the interview is productive," Lt. Walsh said. "She had a long, arduous ordeal. We want to make sure she is well-rested."

Fleisha and her friend were in the 1600 block of Sunview Drive, walking home from Kleberg Elementary School, when a man standing next to a truck parked in a church parking lot started talking to them about kittens. Moments later, as the other girl walked away, the man grabbed Fleisha and threw her headfirst into the cab of the truck.

As police spent the day searching for the man, Fleisha's family members and close friends said they were relieved to find her alive.

"We are glad she is safe. But this is not over, he hasn't been caught," said John Fosdick, the family friend who called 911 to report the kidnapping.

## She wanted Mom

When Fleisha was found walking alone along the highway in Navarro County near Rice, Texas, at 9:15 p.m. Thursday, she appeared nervous, agitated and distraught, police said.

Mr. Fosdick said the girl calmed down when she was reunited with her mother, Della Moore, and her friends.

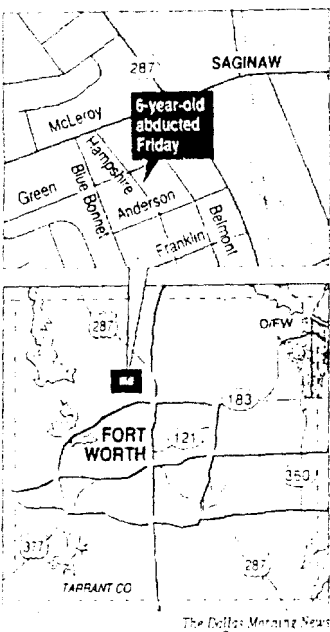
"As soon as she saw us, she was happy. All she wanted was to see her mom," Mr. Fosdick said.

Neighbors said they had heard of several incidents in recent months involving men trying to lure girls into their vehicles in the area.

Priscilla Espectula, a neighbor who has a 9-year-old daughter, said the reports of such cases scare her.

"My daughter can't even ride a bike without me there," she said. "I'm scared someone might take her."

Staff writer Rick Klein contributed to this report.



## CHILD ABDUCTIONS

Since July 1997, the Amber Plan, a system of missing-child alerts broadcast on local radio stations, has been used 16 times. The alert system was named after Amber Hagerman, a 9-year-old Arlington girl who was abducted and killed in January 1996.

### Among those 16 cases:

Four were abductions by strangers.

Of those four children, one was killed and two found unharmed. One was harmed: Fleisha Moore, 9, who was found Thursday, 60 miles from her southeast Dallas home, hours after she disappeared.

The latest activation occurred Friday evening in Tarrant County. Opal Jennings was playing in front of her grandmother's house in the 200 block of North Hampshire Street in Saginaw when she was kidnapped about 5:45, police say.

Eight children were abducted by someone they knew; of those eight, one was killed, and seven were found unharmed.

There were three erroneous reports: One child was reported missing, but his body was found and the death ruled accidental. One woman was arrested for filing a false report. On Friday, a Grand Prairie boy who had been reported missing returned to school.

SOURCES: Dallas Morning News archives; Dallas Police Department

The most recent national figures available on child abductions are 1990 Justice Department data. Here are some key points:

- About one child is slain per 10,000 missing-child reports.
- In 80 percent of abductions by strangers, the first contact occurs within a quarter-mile of the child's home. In many cases, the abduction does, too.
- Most strangers grab their victims on the street or try to lure them into their vehicles.
- About 74 percent of the victims of nonfamily child abductions are girls.

The Dallas Morning News

## Child-abduction experts say aspects of kidnapping typical

By Kendall Anderson

Staff Writer of The Dallas Morning News

Abductions by strangers are rare, and those that end fatally even rarer, local and national child abduction experts say.

Many of the circumstances of 9-year-old Fleisha Moore's abduction on Thursday are typical, officials say. She is a young girl lured to a vehicle by a man who talked to her about kittens.

Girls are most often the victim of nonfamily-related abductions, according to a study by the U.S. Justice Department. The 1990 study, the most recent available, found that 74 percent of victims were girls.

And about 80 percent of such abductions are committed by someone who has made contact with their victim within a quarter mile of their home, according to the National Center for Missing and Exploited Children in Arlington, Va.

Fleisha was found late Thursday about 60 miles from Dallas in Navarro County. Police believe the man heard a radio report saying police were searching for the girl and dropped her off.

Police continued to search for the man Friday.

Like Fleisha's, most child abductions occur on the street and involve an assailant trying to lure a victim to a vehicle. Conversations about lost pets or questions about directions are popular tricks to catch the child off-guard, according to officials with the center for missing children.

"That's a ploy that is often used by these abductors," said Ben Ermini, di-

rector of the center's missing children division. "We ask parents to teach their children not to assist strangers in any way."

Fleisha is slightly younger than the average abduction victim, an 11- or 12-year-old girl, center officials said. Adolescent and teenage girls are considered at the highest risk, Mr. Ermini said, because they often have increasing independence. Victims are also picked because the abductor wants to gratify themselves sexually in some way, experts say.

"Children that age are starting to go off on their own and to have a little more freedom," he said. "Because of that, they become more vulnerable."

The center — the nation's largest clearinghouse for missing-children information — recently launched a program aimed at educating girls ages 12 to 19 about how to stay out of kidnapping situations.

Very few victims taken by strangers are killed, according to experts. About one in 10,000 reports of a missing child results in a murder, according to Justice Department statistics.

Dallas police say they believe Fleisha's case ended without tragedy because of the Amber Plan, a missing-child alert system broadcast by radio stations.


There are a handful of cities nationwide with similar missing person alert systems, Mr. Ermini said. But he said there should be more.

"We think the Amber Plan is a wonderful program. Unfortunately, not very many places have this kind of plan," he said.

**CERTIFICATE OF SERVICE**

I Steve Mace, hereby certify that on June 4, 2001, I caused ARMS comments to the Commission's notice of proposed rulemaking *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System* to be filed with the Commission by placing an original and fourteen copies in the United States mail, first class, postage prepaid to the following:

Commission's Secretary  
Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

  
\_\_\_\_\_  
Steve Mace

Please distribute original and 14 copies as follows:

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two additional copies (RM-9215)  
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